

1 Law Offices  
2 HINSHAW & CULBERTSON LLP  
3 2375 E. Camelback Rd., Suite 410  
4 Phoenix, AZ 85016  
602-631-4400  
602-631-4404  
raoyama@hinshawlaw.com

5 | Randy J. Aoyama (020096)

6 BROWN, GOLDSTEIN & LEVY, LLP  
7 120 East Baltimore Street, Suite 2500  
8 Baltimore, MD 21202  
9 410-962-1030  
410-385-0869  
adf@browngold.com  
nkl@browngold.com

10 Andrew D. Freeman (*Admitted Pro Hac Vice*)  
11 Neel K. Lalchandani (*Admitted Pro Hac Vice*)  
11 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

14 Arizona Department of Economic Security,  
an Arizona State agency,

No. CV-23-250-TUC-LCK

## JOINT STATUS REPORT

15 Plaintiff,

V.

18 | Christine Wormuth; Secretary of the Army,  
in her official capacity,

19 Defendant.

21 Pursuant to the Court's September 11, 2023, Order (Doc. 51), Plaintiff Arizona  
22 Department of Economic Security and Defendant Christine Wormuth, the Secretary of  
23 the Army, jointly submit this report regarding the status of the arbitration proceeding:

24       1.     On July 10, 2023, the Department of Education convened a Randolph-  
25 Sheppard Act arbitration captioned *Arizona Department of Economic Security v. United*  
26 *States Department of the Army*, Case No. R-S/23-05.

1           2. Since that time, the arbitration has progressed. Pursuant to the DOE's  
2 procedures, each party designated one panel member, who in turn deliberated and  
3 designated a third member of the panel to serve as the chairperson.

4           3. On October 24, 2023, the parties appeared before the arbitration panel via  
5 videoconference for a pre-hearing scheduling conference. The panel subsequently issued  
6 a Scheduling Order to govern the arbitration.

7           4. The Scheduling Order set deadlines for various pre-hearing submissions.  
8 The parties engaged in an initial exchange of documents and submitted legal briefs on  
9 discovery issues, some of which are still ongoing. The parties are to submit pre-hearing  
10 briefs on or before March 5, 2024, and to exchange witness and exhibit lists by March 8,  
11 2024.

12           5. The Scheduling Order set a hearing date of March 19, 2024, with an  
13 anticipated completion date of March 21, 2024. At present, the panel has not scheduled  
14 any briefing to follow the hearing.

15           6. Pursuant to the Department of Education's Revised Interim Policies and  
16 Procedures for Convening and Conducting an Arbitration Pursuant to Sections 5(b) and 6  
17 of the Randolph-Sheppard Act as Amended, the arbitration panel is to render its decision  
18 within 30 days after the filing of post-hearing briefs.

19           7. In accordance with the Court's order, the parties will continue to keep the  
20 Court apprised of developments in the arbitration through the submission of joint status  
21 reports.

22           ///

23           ///

24           ///

25           ///

26           ///

1 DATED this 9th day of January, 2024.

2 | HINSHAW & CULBERTSON LLP

GARY M. RESTAINO  
UNITED STATES ATTORNEY  
DISTRICT OF ARIZONA

<sup>1</sup> See, for example, the discussion of the relationship between the U.S. and the European Union in the final section of this article.

4  
5 /s/ Randy J. Aoyama  
Randy J. Aoyama

/s/ Sarah S. Letzkus (with permission)  
Sarah S. Letzkus  
Attorneys for Defendant Christine  
Wormuth

AND

7 BROWN, GOLDSTEIN & LEVY LLP  
8 Andrew D. Freeman (*Admitted PHV*)  
9 Neel K. Lalchandani (*Admitted PHV*)  
*Attorneys for Plaintiff*

## CERTIFICATE OF SERVICE

I certify that on the 9th day of January, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

5 Gary M. Restaino  
United States Attorney  
District of Arizona  
6 Sarah S. Letzkus  
7 Assistant U.S. Attorney  
J. Cole Hernandez  
8 Assistant U.S. Attorney  
Melissa M. Kroeger  
9 Assistant U.S. Attorney  
10 405 West Congress Street, Suite 4800  
11 Tucson, AZ 85701  
12 [Sarah.Letzkus@usdoj.gov](mailto:Sarah.Letzkus@usdoj.gov)  
[cole.hernandez@usdoj.gov](mailto:cole.hernandez@usdoj.gov)  
[melissa.kroeger@usdoj.gov](mailto:melissa.kroeger@usdoj.gov)  
13 Attorneys for Defendant

23 | By /s/ Tammy Kassen